

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09CV20-03-MU

MARVIN J. COVINGTON,

Petitioner,

v.

RICK JACKSON,

Respondent.

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, and Motion to Proceed In Forma Pauperis, both filed January 14, 2009 (Doc. Nos. 1 and 2.)

After careful review of the Petition for Writ of Habeas Corpus, the undersigned finds that the Attorney General should file an Answer detailing Petitioner's allegations and responding to each.

With respect to the Motion to Proceed In Forma Pauperis, the Court notes that a petition for a writ of habeas corpus requires a filing fee of \$5.00. After reviewing the affidavit in support of the application to proceed in forma pauperis, the Court concludes that the Petitioner is unable to pay the filing fee. Accordingly, his motion to proceed in forma pauperis is granted.

**THEREFORE, IT IS HEREBY ORDERED** that:

- (1) No later than forty (40) days from the filing of this Order, the Attorney General shall file an Answer to Petitioner's Petition for Writ of Habeas Corpus, detailing Petitioner's allegations and responding to each; and

(2) Petitioner's Motion to proceed In Forma Pauperis is GRANTED.

**SO ORDERED.**

Signed: January 15, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

